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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN D. CRUIKSHANK

Defendant.

No. CR 07-0196 MAG

STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME

On April 6, 2007, the parties in this case appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from April 6, 2007 to April 20, 2007 for effective preparation of counsel, in that defense counsel required adequate time to supply the United States with information that may impact the outcome of the case and that the United States required adequate time to evaluate the information. The parties represented that granting the continuance was the reasonable time necessary for effective preparation of both defense counsel and the United States, taking into account the exercise of due diligence. See 18 U.S.C. §

1 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a  
2 continuance outweighed the best interests of the public and the defendant in a speedy trial. See  
3 18 U.S.C. § 3161(h)(8)(A).

4 SO STIPULATED:

5 SCOTT N. SCHOOLS  
6 United States Attorney

7 DATED: April 10, 2007

8 /s/ Derek R. Owens  
DEREK R. OWENS  
Special Assistant United States Attorney

9 DATED: April 12, 2007

10 /s/ Steven Koeninger  
STEVEN KOENINGER  
11 Attorney for Defendant

12 As the Court found on April 10, 2007, and for the reasons stated above, the Court finds that  
13 the ends of justice served by the continuance outweigh the best interests of the public and the  
14 defendant in a speedy trial and that time should be excluded from the Speedy Trial Act  
15 calculations from April 10, 2007 to April 20, 2007 for effective preparation of defense counsel  
16 and the United States. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested  
17 continuance would deny counsel reasonable time necessary for effective preparation and  
18 continuity of counsel, taking into account the exercise of due diligence, and would result in a  
19 miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

20  
21 SO ORDERED.

22 DATED: 4/16/07

23   
EDWARD M. CHEN  
United States Magistrate Judge